

DEREK JACKSON, #29905	§	
VS.	§	CIVIL ACTION NO. 4:12cv449
GRAYSON COUNTY COURTS	§	

To the extent Plaintiff is seeking to have the federal court direct the state court, identified solely as the “Grayson County Courts,” to perform its duties as he wishes, his pleading is construed as a petition for mandamus relief. *See Gowan v. Keller*, 2012 WL 1946834, at *1 (5th Cir. May 30, 2012) (per curiam) (citing *Moye v. Clerk, DeKalb County Superior Court*, 474 F.2d 1275, 1276 (5th Cir. 1973) (per curiam)). However, “[b]ecause federal courts have no authority to issue writs of mandamus directing state courts in the performance of their duties where mandamus is the only relief sought,” this Court lacks authority to order the Texas state court to act on Plaintiff’s complaint. *See id.*; *Rhodes v. Keller*, 77 Fed. Appx. 261 (5th Cir. 2003) (per curiam); *Burden v. Walker*, 2012 WL 2995673, at *1 (E.D. Tex. July 6, 2012), *adopted by*, 2012 WL 2995702 (E.D. Tex. July 23, 2012).

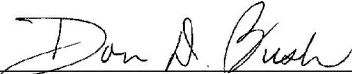
RECOMMENDATION

It is therefore recommended that the complaint, construed as a petition for writ of mandamus, be **DISMISSED WITH PREJUDICE**.

Within fourteen (14) days after receipt of the magistrate judge’s report, any party may serve and file written objections to the findings and recommendations contained in the report.

A party’s failure to file written objections to the findings, conclusions and recommendations contained in this Report within fourteen days after being served with a copy shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

SIGNED this 30th day of July, 2012.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE